



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/845,595	04/30/2001	Jody Francis Powlette	PROP 98-001C	3840

23694 7590 03/12/2004

J. NICHOLAS GROSS, ATTORNEY AT LAW  
726 DUBOCE AVE.  
SAN FRANCISCO, CA 94117

EXAMINER
----------

NGUYEN, THOMAS T

ART UNIT	PAPER NUMBER
----------	--------------

2174

DATE MAILED: 03/12/2004

8

Please find below and/or attached an Office communication concerning this application or proceeding.

P24

<b>Office Action Summary</b>	<b>Application No.</b> 09/845,595	<b>Applicant(s)</b> POWLETTE, JODY FRANCIS	
	<b>Examiner</b> Thomas T. Nguyen	<b>Art Unit</b> 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on Pre-amendment A,B paper# 6,7.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 69-93 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 69-93 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4.</u> | 6) <input type="checkbox"/> Other: _____  |

**FIRST OFFICE ACTION**

This action is response to the Preliminary amendment (paper #7)

Claims 1-68 has been cancelled by the Applicant.

**Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 69-71, 73-74, 78-80, 83-85, 87-88 are rejected under 35 U.S.C. 102(e) as anticipated by Risberg et al US Patent 5,339,392.

As per claims 69, 83, Risberg's computer program having at least (first, second and third routines) for performing the following:

presenting a chart data in graphical form within a window on a display for viewing by a user of a computing system executing the computer program (Fig. 1);

permitting the user to add visual annotations to the chart data, wherein the visual annotations including at least one of trend lines, descriptive labels, calculations "A label tool allows the

Art Unit: 2174

user to enter static text to label or annotate the active document or to create his or her own personalized help screens" (col. 3 lines 33-36 col. 27 lines 44-67) and capture the visual annotations in permanent form usable by the computing system (col. 28, lines 25-67);

operating/ interacting the chart data entirely within a window network browser program adapted for permitting the computing system to interact with internet computer servers

"Transport Layer: A layer of the standard ISO model for networks between computers to which the communication interface of the TIB.RTM. software is linked. Transport Protocol: The particular communication protocol or discipline implemented on a particular network or group of networks coupled by gateways or other inter-network routing" (claims 43).

Regarding claims 70,79,84 in addition to what is recited in claim 69, Risberg discloses the chart data includes historical price information related to a first commodity "A time based graph tool can be used to create graph display objects to graphically display the changes in value of a variable such as price per time. The time and price axes may be scaled to minutes or seconds, and the price value may be set to any unit such as 1/8 or 1/32 of a dollar" (summary, col. 3 lines 49-55 and Fig. 1).

Regarding claims 71,85 in addition to what is recited in claim 70, Risberg inherently discloses the historical price information (trend line) related to a second commodity is overlaid

Art Unit: 2174

with the historical price information related to the first commodity "Dynamic graphs chart securities prices and other TIB.RTM. subjects in real-time. Multiple subjects can be included in a graph and simple arithmetic operations can be performed on the axes, such as spreads. Graphs can also be merged, meaning that two prices can be shown against one time axis" (col. 3 lines 55-62, col. 16 lines 1-13, col. 28 lines 49-54, and claims 8,19).

Regarding claims 73,78,87 in addition to what is recited in claim 69, Risberg's system discloses wherein trend lines can be drawn by the user using a computer mouse so as to connect two items of the chart data "means includes means for displaying a tool whereby a user may graphically designate a trend line by defining any two points on the desired trend line" (claims 8,13).

Regarding claims 74,80,88 in addition to what is recited in claim 69, Risberg's system discloses the visual annotations are captured in a form suitable for printing or storing as a data file within said computing system, even if the first, second and/or third routines do not have access to data file resources within said computing system "A label tool allows the user to enter static text to label or annotate the active document or to create his or her own personalized help screens" (summary col. 3 lines 33-36), "The user can create multiple MARKETSHEET files that can be saved and reopened, much like the files in the Real-Time Spreadsheet. Each file can contain many sheets" (col. 28 lines 24-27).

**Claim Rejections-35 USC § 103**

Claims 72,86 are rejected under 35 U.S.C. 103(a) as being unpatentable over Risberg et al US Patent 5,339,392 in view of Anderson US Patent 6,363,398.

Regarding claims 72,86, in addition to what is recited in claim 69, Risberg's system discloses the operation routines (first, second and third) are implemented as Martketscript TM command language (col. 28 lines 1-49). However, Risberg fails to disclose the routines are implemented as Java applets. On the other hand, it was known in the art that Java applets are used for implementing and/ or associating with web browser interface. For instance, Anderson discloses one or more Java applets running on client computer for accessing server information (abstract).

Therefore, it would have been obvious to one with ordinary skill in the art at the time of invention was made to use Anderson's teaching of Java applets with Risberg's system because the Java applets, can provide far more interactive and dynamic display information in web browser than other language (as Anderson suggests, see col.1 lines 43-51).

Claims 75-77, 81, 89-93 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hu et al US Patent 5,748,188 in view of Anderson US Patent 6,363,398.

As per claims 75, 89 Hu discloses a method of annotation charts as follows:

retrieving chart data from a remote server using parser and/or OLE program executing within a browser program on a local file system; wherein the OLE program has access to I/O and/or storage resources of said remote server system and data warehouse, but not of said local file system (abstract, Fig. 1, col. 5 lines 3-9);

presenting said chart data under control of the DIA sub system in graphical form in a display window on said local system for viewing by a user (col. 6 lines 16-29); and

receiving annotation data, the annotation data being specified by said user interacting with said chart data in said display window (col. 6 lines 52-57 and col. 10 lines 56-67);

wherein the annotation data includes at least one of the following for the chart data: trend lines and/or descriptive labels and/or calculations; and transmitting at least said annotation data to said remote server system in response to said user requesting capture of the annotation data (col. 10, lines 56-65;

converting the annotation data (25, Fig. 1) and the chart data into a modified data file (UNICODE or ASCII code format) at

the remote which modified data file is accessible by any HTML version 3.0 browser (col. 10 lines 56-67);

opening said modified data file using HTML and browser program so that said user can display, store and/or output said data file using said local file system (col. 10 lines 33-39).

**Hu's system fails** to disclose using Java applets for processing the above features. On the other hand, Java applet was known in the art that associating with web browser system. For instance, Anderson's system discloses Java applets on a client computer (abstract). Therefore, it would have been obvious to one with ordinary skill in the art at the time of invention was made to use Anderson's teaching of Java applets with Hu's system because the Java applets can provide far more interactive and dynamic display information in web browser than other language (as Anderson suggests, see col.1 lines 43-51).

Regarding claims 76-77,81,92 in addition to what is recited in claim 75, Hu's system further includes a step of executing a script program at the remote server (sub)system to convert and store the modified data file "CGraph is initialized, it is sent to the graph server 2092 to display the graph. A graph server 2092 that may be used is the Graphics Server produced and distributed by Pinnacle Publishing, Inc. In addition, if the graph elements received by the client 12 are converted to standard HTML formats, the graph displayed by the graph server 2092 may be converted to GIF format (or equivalent format) using an image converter. In the GIF format, since the graph is essentially a bit map display, the



graph may be viewed by any browser with bit-map viewing capabilities" (abstract, summary, col. 26 lines 54 col. 11 lines 50-54 col. 12 lines 52-60).

Regarding claim 90, in addition to what is recited in claim 89, Hu's system allows user delete, alter the InfoFrame. Thus, deleting and altering the InfoFrame would change the appearance of the window.

Regarding claim 91, in addition to what is recited in claim 89, Hu discloses different color (shade) are use for company/stock (Fig. 12).

Regarding claim 93, in addition to what is recited in claim 89, Hu allows user to manipulate the annotation using keyboard, or mouse (col.6 lines 52-57).

#### **Conclusion**

Question that concerning this communication should be directed to the Patent Examiner **Thomas Nguyen**, whose telephone number is (703) 308-7240 (Monday to Friday 09:30 - 6:00 ET) or **Kristine Kincaid Supervisory Patent Examiner (703) 308-0640**. Other inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900 and Official-Fax number (703) ) 828-9306.

Thomas T. Nguyen

*Kristine Kincaid*  
**KRISTINE KINCAID**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 1100**